

REMARKS

The present application includes claims 1-20. Claims 1-20 were rejected. By this amendment, claims 9, 14, and 19 have been amended.

The present application was objected to by the Examiner due to several formal matters, each of which is further discussed and fixed below.

Claims 1-3, 8 and 9 were rejected under the judicially created doctrine of double patenting over U.S. Patent No. 6,289,509. A Terminal Disclaimer in favor of U.S. Patent No. 6,289,509 has been included with this Amendment to overcome this rejection.

Claims 1-4, 8-10, 14, 15 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller, U.S. Patent No. 5,832,520, in view of Iyer, U.S. Patent No. 5,270,712, and further in view of Lee, U.S. Patent No. 4,939,639.

Claims 5-7, 11-13, 16, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Miller, U.S. Patent No. 5,832,520, in view of Iyer, U.S. Patent No. 5,270,712, in view of Lee, U.S. Patent No. 4,939,639, and further in view of Slivka, U.S. Patent No. 6,049,671.

The Applicant now turns to the several formal objections to the Application.

The drawings were objected to because Figures 13 and 14 were informal drawings. Figures 13 and 14 have been rendered as formal drawings and have been submitted with this Amendment to overcome this objection.

The use of the trademark PKZIP® in the specification was noted by the Examiner and the Examiner directed that the specification be amended to capitalize PKZIP® and add the ® indication. The specification has been amended as directed by the Examiner.

The abstract was objected to for exceeding the 150-word limit. The abstract is hereby amended to comply with the 150-word limit.

The title of the patent application was found to be not descriptive by the Examiner. The title has been amended as directed by the Examiner.

Claim 9 was objected to as informal due to a typographical error. Claim 9 has been amended as suggested by the Examiner.

The Applicant now turns to the rejection of claims 1-4, 8-10, 14, 15 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Iyer and further in view of Lee. Lee teaches a method of facilitating computer sorting of multilingual text. That is, only English is defined by the ASCII standard, but it is desirable to perform direct sorting on 14 other languages. More so, in Lee it is desired to have a single algorithm that is able to sort a wide variety of languages, specifically the 14 languages recited in Lee.

As discussed beginning at Col. 3, line 20, Lee proposes a way to use the new proposed ISO 8859/1 language standard to perform multilingual sorting. Specifically, as discussed beginning at Col. 3, Line 46, to support the sorting of foreign letters,

transliteration based on geometric and phonetic rules is employed to ensure foreign letters are sorted where users expect them to be.

As discussed beginning at Col. 5, Line 54, two encoding tables (an alphanumerical character encoding table and an accent priority encoding table) are established for each language and a third table, a non-alphanumeric encoding table common for all languages is also established. All three tables are then applied to sort the foreign language text file.

In Lee, only a single sorted file is formed. That is, Lee does not sort both an old file and a new, updated file and then compare the files. Lee does not teach any comparison files, only the forming of the sorted file. Additionally, Lee does not teach the use of pointers and specifically does not teach maintaining pointers for elements of a second sorted list to indicate the element's original location.

As stated by the Examiner in the Office Action on page 14, neither Miller nor Iyer teach (as specifically recited in claim 1) sorting the old version of data with the data processor alphabetically according to the established alphabet to create a first sorted list of words and **maintaining a pointer for each element of the first sorted list of words indicating the element's original location in the old version of data.** As discussed above, Lee also does not teach this limitation because Lee does not teach the use of pointers.

Consequently, claim 1 is respectfully submitted to be free of Miller, Iyer, and Lee and allowable. Additionally, claims 1-7, depending from claim 1, are also respectfully submitted to be allowable.

Further, although the Applicant has focused on a single element of claim 1, several other differences between the cited references and claim 1 are present. However, the Examiner's clear understanding of the limitations of the prior art has allowed Applicant to focus on the specific claim element. The Applicant reserves the right to point out other differences between the prior art and the claim as well as discuss the combinability of Miller (which generates a patch file) with Iyer (which only performs compression and does not discuss the generation of a patch file) and Lee (which only discusses sorting, not generation of a patch file).

With regard to independent claim 8, similar to claim 1, claim 8 also includes the limitation of maintaining a pointer which is not taught by Miller, Iyer or Lee. Consequently, claim 8, and its respective dependent claims 9-13, are respectfully submitted to be allowable.

With regard to independent claims 14 and 19, the claims recite aggregating multiple patch files into a single compressed archive for distribution. The Examiner has cited Miller, at Col. 3, Line 62-65 as teaching this limitation. However, Miller teaches taking a single file (a difference file) and compressing the file to reduce file size. Consequently, although Miller teaches compressing a single file, Miller does not teach aggregating multiple patch files into a single compressed archive.

Claims 14 and 19 have been amended to more clearly recite aggregating multiple patch files into a single compressed archive. Thus, the Applicant respectfully submits that the limitations of claims 14 and 19 are not taught by the prior art. Consequently, claims 14 and 19 (and their respective dependent claims 15-18 and 20) are respectfully submitted to be allowable.

The Applicant now turns to the rejection of claims 5-7, 11-13, 16, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Iyer in view of Lee and further in view of Slivka. Claims 5-7, 11-13, 16 and 18 depend from independent claims 1, 8, and 14, which were respectfully submitted to be allowable as discussed above. Consequently, claims 5-7, 11-13, 16 and 18 are also respectfully submitted to be allowable.

With regard to claims 19-20, claim 19 was respectfully submitted to be free of the prior art because the prior art did not teach the aggregation of multiple patch files into a single compressed file. Slivka also does not teach this limitation. Consequently, independent claim 19 and its dependent claim 20 are respectfully submitted to be free of the prior art and allowable.

In light of the aforementioned amendments and discussion, as well as the submission of the terminal disclaimer, Applicant respectfully submits that the application is now in condition for allowance.

Application No. 09/940,771
Attorney Docket No. 16004US01

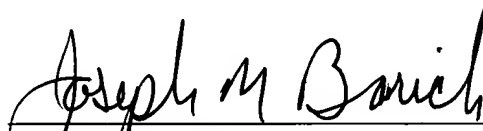
CONCLUSION

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: January 3, 2005



Joseph M. Barich
Registration No. 42,291

MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, IL 60661

Telephone: (312) 775-8000
Facsimile: (312) 775-8100

Application No. 09/940,771
Attorney Docket No. 16004US01

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figures 13 and 14. These sheets replace the original sheets including Figures 13 and 14. No substantive change to Figure 13 or Figure 14 has been made.

Attachment: Two Replacement Sheets